UNITED STATES DIS	TRICT COURT
FOR THE SOUTHERN DIS	TRICT OF ILLINOIS
MIDFIRST BANK)
Plaintiff,))
vs.	<i>)</i>) Case No. 11-cv-490-JPG-DGW \
GERALD S. DUFF, JODI L. DUFF, UNITED STATES OF AMERICA, UNKNOWN OWNERS, and NON-RECORD CLAIMANTS,	,)))
Defendants.))

MEMORANDUM AND ORDER

THIS CAUSE COMING ON TO BE HEARD on Plaintiff's Motion for Leave to File a First Amended Complaint (Doc. 10), due notice having been given, and the court being otherwise fully advised;

IT IS ORDERED THAT:

- Plaintiff's Motion for Leave to File a First Amended Complaint (Doc. 10) is GRANTED;
- 2. Plaintiff is granted leave to electronically file a First Amended Complaint within seven (7) days; and
- 3. Because the motion to dismiss (Doc. 7) filed by the defendant United States of America is directed at the original complaint, which will no longer be the operative pleading in this case, *Massey v. Helman*, 196 F.3d 727, 735 (7th Cir. 1999), the Court **DENIES as moot** the motion to dismiss (Doc. 7)

Dated: August 31, 2011 <u>s/J. Phil Gilbert</u>
JUDGE